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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,856	09/16/2003	Richard Gill Bonner	71616	2858

7590 06/23/2005
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EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,856

Applicant(s)

BONNER, RICHARD GILL

Examiner

EDMUND H. LEE

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10, 17 and 18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/2/05
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-10 and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "about 50" (cl 1, ln 10) is unclear as to which temperature scale is being referred. If it is C then it should be clearly and positively recited as such.

Claim 2 is confusing because it makes reference to a step of pelletizing but there is no positive step of pelletizing in claim 1.

The phrase "said solidified strands" (cl 17, ln 2) lacks antecedent basis in the claim.

Correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Matthaei et al (USPN 6858167). Matthaei et al teach the claimed process as evidenced at col 3, lns 35-41; col 4, ln 56-col 5, ln 10; col 5, ln 49-col 6, ln 27; col 6, ln 54-col 7, ln 10; and fig 1.

Art Unit: 1732

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthaiei et al (US 2002/0171159). The above teachings of Matthaiei et al are incorporated hereinafter. In regard to claim 2, Matthaiei et al do not teach using a stream of water having the claimed temperature. The use of a stream of water is well-known in the palletizing art in order to efficiently solidify pellets. Furthermore the claimed temperature would have been obviously determined through routine experimentation. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a stream of water at the claimed temperature in order to efficiently solidify the pellets of Matthaiei et al. In regard to claim 3, Matthaiei et al do not teach removing water. It is well-known in the palletizing art to remove water prior to crystallizing in order to ensure complete crystallization. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to remove water from the pellets of Matthaiei et al prior to crystallization in order to ensure proper crystallization of the pellets of Matthaiei et al. In regard to claim 4, Matthaiei et al do not teach removing water. It is well-known in the palletizing art to remove water prior to or during the step of conveying in order to ensure proper crystallization. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was

Art Unit: 1732

made to remove water from the pellets of Matthaei et al prior to or during the step of conveying in order to ensure proper crystallization of the pellets of Matthaei et al. In regard to claim 5, Matthaei et al do not teach using a foraminous screen. The use of a specific drying means is a mere obvious matter of choice dependent on equipment availability and of little patentable consequence to the claimed process since it is not a manipulative step or feature of the claimed process. Further, foraminous screens are well-known in the drying art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a screen in the process of Matthaei et al in order to effectively dry the pellets of Matthaei et al. In regard to claim 6 and 7, Matthaei et al do not teach using a mechanical dryer. The use of a specific drying means is a mere obvious matter of choice dependent on equipment availability and of little patentable consequence to the claimed process since it is not a manipulative step or feature of the claimed process. Further, mechanical dryers are well-known in the drying art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a mechanical dryer in the process of Matthaei et al in order to effectively dry the pellets of Matthaei et al. In regard to claim 8, Matthaei et al do not teach the temperature of the pellets. The specific temperature of the pellets at the inlet of the crystallizer is well-known in the pellet art as an important parameter and the desired temperature would have been obviously and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed temperature is generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 1732

invention was made to use pellets having the claimed temperature in order to ensure a desired level of crystallization. In regard to claim 9, Matthaei et al do not teach using recirculated water. The use of recirculated water is well-known in the molding art as cost lowering measure. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use recirculated water in the process of Matthaei et al in order to lower process costs. In regard to claim 10, Matthaei et al do not teach no heat added to the dryer. The exclusion of heat to a drying means is well-known in the drying art in order to reduce manufacturing costs without compromising quality. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to exclude heat from the dryer of Matthaei et al (modified) in order to reduce manufacturing costs without compromising the quality of the pellets. In regard to claim 14, Matthaei et al do not teach removing water. It is well-known in the palletizing art to remove water prior to crystallizing in order to ensure complete crystallization. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to remove water from the pellets of Matthaei et al prior to crystallization in order to ensure proper crystallization of the pellets of Matthaei et al. In regard to claim 15, Matthaei et al do not teach using a mechanical dryer. The use of a specific drying means is a mere obvious matter of choice dependent on equipment availability and of little patentable consequence to the claimed process since it is not a manipulative step or feature of the claimed process. Further, mechanical dryers are well-known in the drying art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a mechanical dryer in the process of

Art Unit: 1732

Matthaei et al in order to effectively dry the pellets of Matthaei et al. In regard to claim 16, Matthaei et al do not teach using a stream of water having the claimed temperature. The use of a stream of water is well-known in the palletizing art in order to efficiently solidify pellets. Furthermore the claimed temperature would have been obviously determined through routine experimentation. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a stream of water at the claimed temperature in order to efficiently solidify the pellets of Matthaei et al. In regard to claim 17, Matthaei et al do not teach removing water from solidified strands by a blast of air. The use of a blast of air to remove water is well-known in the molding art as an effective means to remove water. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a blast of air to remove water from the strands of Matthaei et al in order to effectively remove water.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE
Primary Examiner
Art Unit 1732

EHL


6/20/05